

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

JAMON T. BRIM,)
Plaintiff,)
vs.) CV 10-J-0369-NE
DELL FINANCIAL SERVICES,)
LLC, et al.,)
Defendants.)

SCHEDULING ORDER

This order is entered under Fed. R. Civ. P. 16(b) based on the parties' report of a planning meeting. This order supersedes any prior order and governs further proceedings in this action unless modified for good cause shown.

1. Parties:

- a. The plaintiff shall have until July 30, 2010, to join any additional parties.
- b. The defendant shall have until August 27, 2010, to join any additional parties.

2. Pleadings:

- a. The plaintiff shall have until July 30, 2010, to amend the pleadings.
- b. The defendant shall have until August 27, 2010, to amend the pleadings.

3. Dispositive Motions:

All potentially dispositive motions must be filed by November 10, 2010. The Court will not issue a briefing schedule order upon submission of a dispositive motion. The parties are expected to follow the directions

set forth in **Exhibit A attached to this scheduling order. (Do not follow the instructions for summary judgment in the Uniform Initial Order).**

4. Expert Testimony:

Unless modified by stipulation of the parties, the disclosure of expert witnesses – including a complete report under Fed. R. Civ. P. 26(a)(2)(B) from any specially retained or employed expert – are due:

- a. From the plaintiff: September 3, 2010
- b. From the defendant: October 1, 2010

5. Discovery Limitations and Cutoffs:

- a. Unless modified by stipulation of the parties:

Depositions:

Maximum of 6 depositions for the plaintiff and 6 depositions for the defendant with a maximum time limit of 7 hours per deposition, unless extended by agreement of the parties.

Interrogatories:

Maximum of 25 by each party, with responses due within 30 days after service.

Request for Admission:

Maximum of 25 by each party, with responses due within 30 days after service.

Request for Production:

Maximum of 40 by each party, with responses due within 30 days after service.

Supplementation:

Supplements under Rule 26(e), Fed. R. Civ. P., are due 14 days before the close of discovery.

- b. Pre-discovery disclosure: The parties shall exchange the information required by Local Rule 26.1(a)(1) by May 7, 2010.
- c. Unless modified by court order for good cause shown, all discovery must be commenced in time to be completed by October 22, 2010.
- d. The parties will endeavor to preserve any and all electronically stored information, to the extent that it currently exists, relating to the plaintiff, the events alleged in plaintiff's complaint or the defendants' defenses thereto. Disclosure or discovery of electronically stored information (ESI) should be handled as follows:

The production of ESI will either be produced in a printed out version or in a pdf format, at the discretion of the producing party.

If any party withholds information claiming a privilege or protection as trial preparation material, that party must make the claim expressly and shall describe the nature of the documents, communication or things not produced or disclosed that will enable other parties to assess the applicability of the privilege or protection.

All parties agree to implement the provisions of Rule 26(b)(5)(B) to protect any information produced in discovery that is subject to a claim of privilege or of protection as trial preparation material.

The parties agree that, pursuant to Rule 5(b)(2)(E) and 6(d) of the Federal Rules of Civil Procedure, any pleadings or other papers may be served by sending such documents by email to the primary and/or secondary email addresses listed below (or any updated email address provided to all counsel of record). The

parties also agree, upon request, to promptly (no later than the second business day after the day of service) provide the sending party with confirmation of receipt of the service by email. The format to be used for attachments to any email message shall be Adobe Acrobat (.pdf). If an error or delayed delivery message is received by the sending party, that party shall promptly (within one business day of receipt of such message) notify the intended recipient of the message and serve the pleading or other papers by other authorized means.

5. Pre-Trial Conference:

This case is set for pretrial conference on January 10, 2011, in Florence, Alabama.

6. Trial:

This case is set for jury trial on January 17, 2011, at 9:00 a.m., in Florence, Alabama.

Trial is expected to last 4 day(s).

7. Final Lists:

Final lists of trial witnesses and exhibits under Fed. R. Civ. P. 26(a)(3) must be served and filed:

a. By the plaintiff: 21 days before trial

b. By the defendant: 21 days before trial

Objections are to be filed within 7 days after receipt of final lists.

So ORDERED this 21st day of April 2010.



INGE PRYTZ JOHNSON
U.S. DISTRICT JUDGE

Attachment: Exhibit A

